North Central Regional Transit District (NCRTD)
Resolution No. 2012-17

ADOPTION OF AN AMENDED NCRTD RECORDS AND EMAIL RETENTION POLICY

WHEREAS, the records of the North Central Regional Transit District (NCRTD) are important assets and include essentially all records the NCRTD produces, whether paper or electronic; and

WHEREAS, the law requires the NCRTD to maintain certain types of records, usually for a specified period of time and failure to retain those records for those minimum periods would be improper and could subject the NCRTD to spoliation of evidence claims or civil liability; and

WHEREAS, the NCRTD on November 4, 2011 adopted Resolution No. 2011-13 establishing a Records and Email Retention Policy and Disposition Schedule; and

WHEREAS, the Federal Transit Administration (FTA) in their Financial Management Overview found the NCRTD Records and Email Retention Policy to be incomplete in regards to specific language pertaining to Accounting Records; and

WHEREAS, the NCRTD wishes to incorporate the FTA comments as addressed in the Records Retention and Disposition Schedule, Appendix A, page 7, item 8, "Accounting Records"; and

WHEREAS, the NCRTD wants to add an additional category regarding "Aboveground Storage Tank Facility Files" to the Records Retention and Disposition Schedule, Appendix A, page 11, item 23; and

WHEREAS, the NCRTD desires to implement and move forward with an updated and amended policy.

NOW THEREFORE BE IT RESOLVED BY THE NCRTD BOARD THAT, the NCRTD Records and Email Retention Policy is approved and adopted as amended and attached hereto as "Exhibit A" on this 3rd day of August 2012.

Daniel Barrone, Chair

Approved as to form:

Peter Dwyer, Counsel

Exhibit A

NORTH CENTRAL REGIONAL TRANSIT DISTRICT

RECORDS AND EMAIL RETENTION POLICY AND DISPOSITION SCHEDULE

1.0 Objective

To establish a records retention schedule for the orderly management and retirement of records necessary for carrying out the Public Records Act.

The records of The North Central Regional Transit District ("NCRTD") are important assets. Records include essentially all records the NCRTD produces, whether paper or electronic. A record may be as obvious as a memorandum, an email, a contract or a case study, or something not as obvious, such as a computerized desk calendar, an appointment book or an expense record.

The law requires the NCRTD to maintain certain types of records, usually for a specified period of time. Failure to retain those records for those minimum periods could subject the NCRTD to liability.

2.0 Applicable Staff

The NCRTD expects all employees to fully comply with any published records retention or destruction policies and schedules including the retention and disposition schedule module incorporated as part of this policy, provided that all employees should note the following general exception to any stated destruction schedule: If you believe, or the NCRTD informs you, that NCRTD records are relevant to litigation, or potential litigation (i.e., a dispute that could result in litigation), then you must preserve those records until Legal Counsel determines the records are no longer needed. That exception supersedes any previously or subsequently established destruction schedule for those records. If you believe that exception may apply, or have any question regarding the possible applicability of that exception, please contact the Executive Director.

Failure to comply with this Document Retention Policy may result in an action against an employee, including suspension or termination. Questions about this policy should be referred to the Executive Director of the NCRTD, who is responsible for enforcing and directing the administration and updating of this policy.

3.0 Reference to Future Compliance

From time to time the NCRTD will establish, maintain or supplement retention or destruction policies or schedules for specific categories of records in order to ensure compliance, and also to accomplish other objectives, such as preserving intellectual property and cost management. Several categories of documents that bear special consideration are identified below; also incorporated is a retention and disposition schedule modeling the schedule provided by the NM Commission of Public Records, Department of Transportation Executive Records Retention and Disposition Schedules (ERRDS). While minimum retention periods are suggested, the retention of the documents identified below and of documents not included in the identified categories should be determined primarily by the application of the general guidelines affecting document retention within this document.

4.0 Definitions

A. "Administrator" means the NCRTD records administrator

B. "Agency" and/or "District" means the NCRTD

C. "Archives" means the NCRTD archives.

D. "Disadvantaged business" means a for-profit small business that is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals; and whose management and daily business operation are controlled by one or more of the socially and economically disadvantaged individuals who own it.

E. "Disposition" means final action that puts into effect the results of an appraisal decision for a series of records (i.e., transfer to archives or destruction).

F. "Electronic document management system" means a system that manages electronic documents contained in an information technology system, using computer equipment and software to manage, control, locate, and retrieve information in the electronic system.

G. "Let or Letting" means the process of preparing bid for release on NCRTD construction projects.

H. "Non-record" means extra copies of documents kept solely for convenience of reference, stocks of publications, records not usually included within the scope of the official records of the NCRTD, and library material intended only for reference or exhibition. The following specific types of materials are non-records: materials neither made nor received in pursuance of statutory requirements nor in

connection with the functional responsibility of the officer of the NCRTD; extra copies of correspondence; preliminary drafts; blank forms, transmittal letters or forms that do not add information; sample letters; and reading file or informational files.

I. "Public record" means all books, papers, maps, photographs or other documentary materials, regardless of physical form or characteristics, made or received by the NCRTD in pursuance of law or in connection with the transaction of public business and preserved, or appropriate for preservation, by the agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the government, or because of the informational and historical value of data contained therein.

J. "Records custodian" means the statutory head of the agency using or maintaining the records or the custodian's designee.

K. "Records management" means the systematic control of all records from creation or receipt through processing, distribution, maintenance and retrieval, to their ultimate disposition.

L. "Records retention and disposition schedule" means rules adopted by the NCRTD Board of Directors describing records of an agency, establishing a timetable for their life cycle and providing authorization for their disposition.

M. "Retention" means the period of time during which records must be maintained by an organization because they are needed for operational, legal, fiscal, historical or other purposes.

ABBREVIATIONS AND ACRONYMS:

~~A. "ARC" stands for accident, records, citation~~

AB. "ADA" stands for Americans With Disabilities Act

~~C. "CRR" stands for certified return receipt~~

BD. "DOT" stands for Department of Transportation

~~E. "EMS" stands for emergency medical service~~

CF. "FSR" Financial Status Report

D "FTA" Federal Transit Administration

~~G. "GPS" stands for global positioning system~~

~~H. "HUD" stands for ousing and urban development~~

~~I. "MPO" stands for metropolitan planning organization.~~

~~J. "MVD" stands for motor vehicle division~~

~~K. "NCIC" stands for national crime information center~~

~~L. "NMAC" stands for New Mexico administrative code.~~

EM. "NMSA" stands for New Mexico statutes annotated

~~N. "RPO" stands for rural planning organization.~~

~~O. "TRADAS" stands for traffic data analysis system.~~

FP. "US" stands for United States

5.0 Instructions

A. For records of a general administrative nature, financial nature, personnel nature and medical nature refer to "Appendix A" labeled "Records Retention and Disposition Schedule."

B. Retention periods shall be extended until six months after all current or pending litigation; current claims, audit exceptions or court orders involving a record have been resolved or concluded.

F. The descriptions of files are intended to be evocative, not complete. For example, there will always be some documents that are filed in a file that are not listed in the description, and similarly, not every file will contain an example of each document listed in the description.

G. Confidentiality is denoted for files likely to contain confidential materials, but files without a confidentiality note nonetheless may contain confidential or privileged materials, and failure to include an express confidentiality note in the description of a file does not waive the confidential or privileged nature of those materials. Some or all materials in a file may be confidential. Refer questions concerning the confidentiality of a file or portions of a file to legal counsel for the agency.

H. Access to confidential documents or confidential files shall be only by authorization of the NCRTD Executive Director or attorney general or by court order, unless otherwise provided by law. Release of confidential documents to law enforcement and other government agencies shall only be upon specific statutory authorization subpoena or court order. Nothing herein shall prohibit duly designated NCRTD personnel from performing their job functions including the review of personnel files and other confidential records where such review is necessary to perform a job duty.

I. Records, papers or documents may be photographed, microfilmed, micro-photographed or reproduced on film. Such photographs, microfilm, photographic film or microphotographs shall be deemed to be an original record for all purposes, including introduction in evidence in all courts or administrative agencies

J. Public records placed on magnetic tapes, disks or other data processing media shall be retained for the length of time specified in "Appendix A of the Records Retention and Disposition Schedules" and are subject to the same confidentiality and access restrictions as paper records.

K. Appendix A, North Central Regional Transit District ("NCRTD") Records Retention and Disposition Schedule, and Appendix B, North Central Regional Transit District ("NCRTD") Email and Email Retention and Disposition Policy are incorporated herein

Appendix A

North Central Regional Transit District ("NCRTD")
Records Retention and Disposition Schedule

1.) ELECTRONIC DOCUMENT MANAGEMENT SYSTEM:

A. Program: NCRTD records custodian

B. Maintenance System: [NCRTD preference]

C. Description: document management system that stores images and electronic records produced by the NCRTD. Data may include payroll and personnel data, contracts and agreement data, project files, environment reference files, etc.

D. Data retention:

(1) Metadata: until related records are destroyed.

(2) Federal reports: 10 years after close of calendar year in which report is created.

(3) Local government project files: permanent, transfer to archives 25 years after project completion.

(4) District maintenance project files: permanent, transfer to archives 25 years after project completion.

(5) Request for property abandonment files: permanent, transfer to archives 25 years after date of request.

(6) Abandonment document forms: permanent, transfer to archives 25 years after abandonment filed.

(7) Encroachment files: 30 years after final disposition of encroachment, then transfer to archives for review and final disposition.

(8) Property sales files: permanent, transfer to archives 25 years after date of sale.

(9) Disclaimer files: five years after date property is disclaimed, transfer to archives for review and final disposition.

(10) Contract award recommendations files: six years after project completion date.

(11) Payroll records: 10 years after end of federal fiscal year in which created.

(12) Accident reports: seven years after end of federal fiscal year in which created.

E. Output: Because the electronic document management system is a data-based system, ad hoc and regularly scheduled reports may be generated upon request or demand. When produced, these reports are forwarded to the requesting entity.

2.) FEDERAL PLANNING REPORTS:

A. Program: NCRTD records custodian

B. Maintenance System: [NCRTD preference]

C. Description: reports containing various federally-mandated information. Some of these reports may include performance monitoring system report, monthly volume summary reports, monthly and quarterly audit reports,
D. Retention: 10 years after close of calendar year in which created

3.) FEDERAL AND STATE APPORTIONMENTS REPORTS FILES:

A. Program: NCRTD records custodian
B. Maintenance System: [NCRTD preference]
C. Description: reports concerning obligated federal and state funds for various transit related projects (i.e., construction, planning programs, feasibility studies, consultants, etc.).
D. Retention: five years after end of federal fiscal year in which created

4.) DAMAGE CLAIM FILES:

A. Program: NCRTD records custodian
B. Maintenance System: [NCRTD preference]
C. Description: damage claims submitted by the NCRTD to individuals or representatives of individuals that have negligently damaged NCRTD property. File may include police reports, estimate of damage, cost reports, final demand notices, receipt of payments, correspondence, etc.
D. Retention: three years after final disposition

5.) INTERNET SITE VISIT MONITORING REPORTS:

A. Program: NCRTD records custodian
B. Maintenance System: [NCRTD preference]
C. Description: monthly report, if any showing NCRTD employee internet visits to both agency permitted and agency blocked internet addresses. Report may include NCRTD employee name, date, time, source, destination, internet protocol address, protocol, category, etc.
D. Retention: six months after report created

6.) ACCIDENT FILES:

A. Program: NCRTD records custodian
B. Maintenance System: [NCRTD preference]
C. Description: records concerning accidents involving any NCRTD Bus and Driver File may include copies of accident reports, medical information, annual summary of accident information,
D. Retention: 10 years after date of accident, then transfer to archives for review and final disposition

E. Confidentiality: Portions of record may be considered confidential pursuant, but not limited to 5 USC, Section 552a and 42 U.S.C. § 405(c)(2)(C)(viii)(I). (i.e., social security number), Section 14-6-1 NMSA 1978 (i.e., health information) and Section 14-2-1 NMSA 1978 (i.e., "law enforcement records that reveal confidential sources, methods, information or individuals accused but not charged with a crime").

7.) ACCIDENT RECORDS CITATION SYSTEM:

A. Program: NCRTD records custodian
B. Maintenance System: [NCRTD preference]
C. Description: database or other records maintenance system that maintains accident report information for statistical purposes. Data may include personal identifiers of individuals involved in an accident (i.e., name, social security number, address, license number, age, etc.), location of accident, accident detailed information, etc.
D. Data retention: seven years after end of federal fiscal year in which created
E. Confidentiality: Portions of record may be confidential pursuant, but not limited to 5 USC, Section 552a (i.e., social security number), Section 66-7-508 NMSA 1978 Confidentiality of records, Section 29-10-4 NMSA 1978 (i.e., arrest records) and Section 14-2-1 NMSA 1978 (i.e., "law enforcement records that reveal confidential sources, methods, information or individuals accused but not charged with a crime").
F. Input: All records used as input for the accident records citation system are destroyed once input to system is verified and complete.

8.) ACCOUNTING RECORDS

A. Program: NCRTD records custodian
B. Maintenance System: [NCRTD preference]
C. Description: records must be maintained that adequately identify the source and application of funds provided through Federal and State grants and subgrants for financially-assisted activities. These records must contain information pertaining to grant or subgrant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays or expenditures and income.
D. Retention: Except as otherwise specified, records must be retained for three years from the starting date.

Starting date of retention period:

(1) General Records. The starting date for retention of records related to multi-year projects is the date of submission of the final FSR upon project completion or, if waived, the date it would have been due.
(2) Equipment Records. The three year retention period for equipment records starts from the date of the equipment's disposition or replacement or transfer at FTA's direction.

9.) **BID LETTING AND AWARD SYSTEM:**

A. Program: NCRTD records custodian

B. Maintenance System: [NCRTD preference]

C. Description: database or other method of record retention that captures letting, bidding and award information for NCRTD projects. Data may include contractor bids for a specific project, advertising documentation, district office recommendations for award, authorization from a federal administration, bid reviews, preliminary award of contract, project estimates, cost list, items list to generate proposals for contractors, bid letting information, data used to analyze bids, etc.

D. Data retention: six years after project completion date

E. Confidentiality: Portions of this file may contain confidential information pursuant, but not limited to Section 13-1-122 NMSA 1978 (i.e., Competitive sealed qualifications-based proposals; award of architect, engineering, landscape architect and surveying contracts) and CFR 40 Subsection 53.15 (i.e., trade secrets and confidential or privileged information).

10.) **AUTHORIZATION FILES:**

A. Program: NCRTD records custodian

B. Maintenance System: [NCRTD preference]

C. Description: records concerning authorization for project advertising and letting requirements that are going to be let in a given month. Files may include letting schedule, licensing requirements, project information work sheet, invitation for bid, addendum to projects, preliminary design plans, work sheet for working days, disadvantaged business goal, and certifications from appropriate in-house offices, etc.

D. Retention: six years after project completion date

E. Confidentiality: Portions of this file may contain confidential information pursuant, but not limited to Section 13-1-122 NMSA 1978 (i.e., Competitive sealed qualifications-based proposals; award of architect, engineering, landscape architect and surveying contracts) and CFR 40 Subsection 53.15 (i.e., trade secrets and confidential or privileged information).

11.) **CONTRACT AWARD RECOMMENDATIONS FILES:**

A. Program: NCRTD records custodian

B. Maintenance System: [NCRTD preference]

C. Description: records concerning recommendations and award information from the DOT bid review committee to award a contract to a particular bidder. Files may include advertising documentation, recommendations for award, authorization from federal highway administration, DOT contract goal for disadvantaged business in highway construction, bid review work sheets, bid tabulations, copy of preliminary award of contract letter, etc.

D. Retention: six years after project completion date

E. Confidentiality: Portions of this file may contain confidential information pursuant, but not limited to Section 13-1-122 NMSA 1978 (i.e., Competitive sealed qualifications-based proposals; award of architect, engineering, landscape architect and surveying contracts) and CFR 40 Subsection 53.15 (i.e., trade secrets and confidential or privileged information).

12.) SITE MANAGEMENT SYSTEM:

A. Program: NCRTD records custodian
B. Maintenance System: [NCRTD preference]
C. Description: system that tracks and maintains information for all aspects of construction management. Data may include construction contract data, daily diaries, change orders, contractor payments, finalization, disputes, claims, materials used, etc.
D. Retention: six years after project completion date

13.) CALLED IN LOAD LOG:

A. Program: NCRTD records custodian
B. Maintenance System: [NCRTD preference]
C. Description: log used to record the overload permits issued by the department of public safety to travel on state bridges. Log may show date, load number, requester, time, firm name, load type, gross weight, height, width, length, axle number, weight, distance, origin, truck unit number, destination, number of axles, route numbers, remarks, rejected, notified, etc.
D. Retention: three years after close of calendar year in which created

14.) REQUEST FOR PROPERTY ABANDONMENT FILES:

A. Program: NCRTD records custodian
B. Maintenance System: [NCRTD preference]
C. Description: records concerning NCRTD's recommendations and decisions regarding incoming requests from entities on properties owned and abandoned by NCRTD. File may include right of way maps showing parcels of land, copy of associated easement, survey of intended abandonment, legal land description, interdepartmental comments and recommendations for or against abandonment, declaration of vacation and abandonment, etc.
D. Retention: permanent, transfer to archives 25 years after date of request

15.) ABANDONMENT DOCUMENT FORMS:

A. Program: NCRTD records custodian
B. Maintenance System: [NCRTD preference]
C. Description: form that documents property abandonment
D. Retention: permanent, transfer to archives 25 years after abandonment filed

16.) ENCROACHMENT FILES:

A. Program: NCRTD records custodian
B. Maintenance System: [NCRTD preference]
C. Description: records concerning encroachments onto NCRTD property. Files may include surveys, copies of deeds, contracts, notice of encroachment on highway right of way, license for encroachment, correspondence, etc.
D. Retention:
(1) Structural encroachment files: 25 years after final disposition of encroachment, then transfer to archives for review and final disposition
(2) All others: transfer to archives 25 years after disposition of encroachment for review and final disposition

17.) PROPERTY SALES FILES:

A. Program: NCRTD records custodian
B. Maintenance System: [NCRTD preference]
C. Description: records concerning the sale of NCRTD property. Files may include right of way maps, quitclaim deeds, correspondence, etc.
D. Retention: permanent, transfer to archives 25 years after date of sale

18.) DISCLAIMER FILES:

A. Program: NCRTD records custodian
B. Maintenance System: [NCRTD preference]
C. Description: records concerning the NCRTD disclaimer of interest or ownership of specific property. Files may include right of way maps, disclaimer, correspondence, etc.
D. Retention: five years after date property is disclaimed, transfer to archives for review and final disposition

19.) AIRSPACE FILES:

A. Program: NCRTD records custodian
B. Maintenance System: [NCRTD preference]
C. Description: records concerning the leasing of the NCRTD right of way airspace. File may include lease agreements, right of way maps, correspondence, etc.
D. Retention: six years after termination of lease agreement

20.) BILLBOARD OWNER PERMIT FILES:

A. Program: NCRTD records custodian
B. Maintenance System: [NCRTD preference]
C. Description: records concerning the approved issuance of permits to erect or maintain outdoor advertising along the city, county, interstate and other federally funded primary highways. File may include application for permit, inspection

documentation of proposed advertising location, check copies, billing information, plats, local government permit copy, renewal notice copy, copy of permit plates issued, correspondence, etc.

D. Retention:
(1) Approved permit: permanent, transfer to archives 25 years after termination of permit
(2) Rejected application: five years after date of rejection

21.) CULTURAL RESOURCE REPORT FILES:

A. Program: NCRTD records custodian
B. Maintenance System: [NCRTD preference]
C. Description: records concerning investigation and assessments conducted to determine any historic or archeological site issues affecting proposed or existing NCRTD properties or rights of way. Files may include site investigation report, surveys, clearance letter, denial letter, correspondence, etc.
D. Retention: permanent, transfer to archives 25 years after date of letter of clearance or denial
E. Confidentiality: Portions of record may be confidential pursuant, but not limited to Section 18-6-11.1 NMSA 1978, Confidentiality of site location.

22.) ENVIRONMENTAL REFERENCE FILES:

A. Program: NCRTD records custodian
B. Maintenance System: [NCRTD preference]
C. Description: environmental assessments conducted on NCRTD properties and potential property acquisitions. Files may include site investigation reports (i.e., detailed site investigation, field notes, drill logs, laboratory results, disposal manifest, etc.), hazardous materials assessments, photos, clean up report, correspondence, etc.
D. Retention: permanent, transfer to archives 25 years after file assessment conducted

23.) ABOVEGROUND STORAGE TANK FACILITY FILES

A. Program: NCRTD records custodian
B. Maintenance System: [NCRTD preference]
C. Description: Records concerning the design and construction, maintenance, inspection, repair and removal of aboveground storage tanks located on the grounds of any NCRTD property. Files may include contracts for removal, work plans and approvals, photos, authorizations to work, correspondence, etc.
D. Retention: seven years after facility is closed or tank is removed

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24.) UNDERGROUND STORAGE TANK FACILITY FILES:

A. Program: NCRTD records custodian

B. Maintenance System: [NCRTD preference]
C. Description: records concerning the maintenance, inspection and removal of underground storage tanks located on the grounds of any NCRTD property. Files may include contracts for removal, work plans and approvals, photos, authorizations to work, correspondence, etc.
D. Retention: permanent, transfer to archives 25 years after date storage tank removed

25.) LABORATORY INFORMATION MANAGEMENT SYSTEM:

A. Program: NCRTD records custodian
B. Maintenance System: [NCRTD preference]
C. Description: database or any records retention method that maintains information regarding the testing of materials used for maintenance and construction projects. Data may include test sample name, lab number, project number, hours worked, materials used, maintenance activity, date reported, district number, test, date sampled, nature of source, location of source, date received, test results, identifiable marks, manufactured by, district number, refinery source, weekly asphalt report number, tested by, approved by, etc.
D. Data retention: permanent

26.) PRODUCT EVALUATION DATABASE:

A. Program: NCRTD records custodian
B. Maintenance System: [NCRTD preference]
C. Description: database or any records retention method that maintains information on products available for construction projects. Data may include product name, evaluation of product, approved date and status, product specifications, representative name and demographic information, comments, etc.
D. Data retention: until product is no longer approved or use is discontinued

27.) PRODUCT FILES:

A. Program: NCRTD records custodian
B. Maintenance System: [NCRTD preference]
C. Description: records concerning approved products available for construction projects. Files may include application for product evaluation, data sheet on use of product, product specifications, material safety sheets, correspondence, etc.
D. Retention:
(1) Approved products: 20 years after product evaluation approved
(2) Rejected products: three years from date of rejection

28.) EQUIPMENT MANAGEMENT SYSTEM:

A. Program: NCRTD records custodian
B. Maintenance System: [NCRTD preference]

C. Description: database or any records retention method that maintains information on all heavy equipment and fleet vehicles. Data may include district information, class unit, item number, contract number, vendor, base price, options to be ordered, total cost, date paid, budget balance, warranties, serial number, dealer name, body style, fuel type, shipping weight, vehicle description, activity code, mileage (beginning and end), daily miles, project code, account code, part number, labor, parts (i.e., task code, part number, vendor, quantity, unit price and part description, etc.), fixed assets number, inventory value, mile or hour readings, servicing information, inspections, book value, resale value, etc.

D. Data retention: two years after date of disposition of heavy equipment or vehicle

E. Input: All records used as input for the equipment management system are filed in fixed asset (equipment) acquisition history files

29.) EQUIPMENT MAINTENANCE FILES:

A. Program: NCRTD records custodian

B. Maintenance System: [NCRTD preference]

C. Description: complete service and maintenance history on heavy equipment and vehicles. Files may include equipment inspection report, equipment registration, equipment transfer form, change report, preventative maintenance report, inspection condemnation report, certificate of property loss, equipment usage report, copy of authorization to purchase surplus equipment, copy of verification of public entity funds for purchase of surplus equipment, etc.

D. Retention: two years after date of disposition of heavy equipment or vehicle

30.) PUBLIC ENTITY BUDGET AUTHORIZATION FILES:

A. Program: NCRTD records custodian

B. Maintenance System: [NCRTD preference]

C. Description: records relating to purchase of NCRTD equipment by public entities. Files may include authorization to purchase surplus equipment, verification of public entity funds for purchase of surplus equipment form, copy of memo of charge, request for waiver, hardship analysis report from department of finance and administration, correspondence, etc.

D. Retention: three years after close of fiscal year in which authorization received

31.) AUCTION DATABASE:

A. Program: NCRTD records custodian

B. Maintenance System: [NCRTD preference]

C. Description: database maintains or records maintenance system containing information pertaining to the auction of NCRTD equipment. Data may include inventory lot number, description, fixed asset number, serial number, meter reading, location, inspection and condemnation number, transfer number, bid number, bid amount, bidder name, bidder address, etc.

D. Data retention: five fiscal years after date in which sale occurred

32.) AUCTIONEER REPORT FILES:

A. Program: NCRTD records custodian
B. Maintenance System: [NCRTD preference]
C. Description: report listing all equipment sold at auction. File may include equipment acquisition packet (i.e., dealer name, registration, equipment inspection report, etc.) and disposal packet (i.e., inventory lot, description, fixed asset number, serial number, meter reading, location, inspection and condemnation number, transfer number, bid number, bid amount, sold with, bidder name, bidder address, transfer title request, etc.), copy of memo of charge, etc.
D. Retention: five fiscal years after date of sale

33.) FACILITY INSPECTION FILES:

A. Program: NCRTD records custodian
B. Maintenance System: [NCRTD preference]
C. Description: routine inspections of the department facilities. Files may include inspection reports, cover letter to supervisor of facility, listing of areas inspected, discrepancies noted, response from supervisor on corrective action, correspondence, etc.
D. Retention: five years after date of inspection

34.) SAFETY RESEARCH FILES (STUDIES):

A. Program: NCRTD records custodian
B. Maintenance System: [NCRTD preference]
C. Description: records concerning research conducted on safety issues (i.e., workplace violence, safety vests, safety processes, etc.). File may include study, employee safety analysis, notes, etc.
D. Retention: 10 years after research is completed

35.) RESOLUTION FILES

A. Program: NCRTD records custodian
B. Maintenance System: [NCRTD preference]
C. Description: formal statements expressing the opinion, will, or intent of the NCRTD governing body.
D. Retention: permanent

36.) CAPITAL PROJECT FILES

A. Program: NCRTD records custodian
B. Maintenance System: [NCRTD preference]
C. Description: records concerning the use of capital funds. Records document the progress and completion of capital projects (e.g., construction, redesigning, renovation, remodeling of NCRTD structures, streets, utility lines, etc.). Files may contain bid or quote documentation, contracts, payroll documentation,

expenditure reports, blueprints, architectural drawings, soil tests or analyses, engineering specification, payment documentation, etc.

D. Retention:
(1) Fiscal or contractual documents (e.g., bids, quotes, agreements, contracts, etc.): 10 years after completion of project
(2) Technical documents (e.g. blueprints, architectural drawings, soil tests or analyses, engineering specifications, etc.): permanent
(3) All other documents: two years after close of fiscal year in which project completed

37.) NCRTD BONDS, NOTES, INTEREST COUPONS, AND CERTIFICATES OF INDEBTEDNESS

A. Program: NCRTD records custodian
B. Maintenance System: [NCRTD preference]
C. Description: record of debt in form of a bond, note, certificate of indebtedness, or interest coupon incurred by the NCRTD.
D. Retention:
(1) When paying agent is a bank, savings and loan association, or other third party: until paid and certificate of destruction has been prepared
(2) When paying agent is the debtor agency (i.e., NCRTD): two years following payment and certificate of destruction has been prepared

38.) INDUSTRIAL REVENUE BOND FILES

A. Program: NCRTD records custodian
B. Maintenance System: [NCRTD preference]
C. Description: records concerning the issuance of NCRTD revenue bonds to acquire, own, lease, or sell projects for the purpose of promoting industry and trade other than retail trade. Files may include agreement for the abatement of taxes, project descriptions, industry or trade information, correspondence, memoranda, etc.
D. Retention: six years after termination of agreements

39.) NCRTD BOND CERTIFICATE OF DESTRUCTION

A. Program: NCRTD records custodian
B. Maintenance System: [NCRTD preference]
C. Description: shows the number and maturity of the bond, note, certificate, coupon, the date paid, etc.
D. Retention: six years after date created

40.) NCRTD BOND REGISTER

A. Program: NCRTD records custodian
B. Maintenance System: [NCRTD preference]

C. Description: record of bonds or notes issued and paid. Register shows the bond or note issue numbers, amount of issue date bond or note canceled, coupon numbers, payment information, etc.
D. Retention: 10 years after date of maturity

41.) PETITION FILES

A. Program: NCRTD records custodian
B. Maintenance System: [NCRTD preference]
C. Description: records concerning requests on a variety of issues (e.g., special election, ordinance change, traffic light installation, speed bump installation, etc.).
D. Retention:
(1) All other petitions: one year after close of fiscal year in which received

42.) ADA COMPLIANCE FILES

A. Program: NCRTD records custodian
B. Maintenance System: [NCRTD preference]
C. Description: records concerning the Americans With Disabilities Act. File may contain ADA plan, policies, grievance procedures, grievances, resolutions, etc.
D. Retention:
(1) Plans, policies, and procedures: until superseded or one year after affected grievances have been resolved
(2) Grievances and resolutions: one year after date closed
[Note: Policies and plans adopted by ordinance or resolution.]

43.) COLLECTIVE BARGAINING FILES

A. Program: NCRTD records custodian
B. Maintenance System: [NCRTD preference]
C. Description: records concerning transactions with labor organizations representing employees in collective bargaining. Files may contain copy of certification of labor organization as the exclusive representative of employees, mediation documentation and recommendations, agreements, grievances and resolutions, decertification, correspondence, memoranda, etc.
D. Retention:
(1) Agreements: six years after termination of agreement
(2) Grievances and resolutions: three years after date of resolution
(3) All other documentation: until no longer needed for reference

44.) CLAIM OF LIEN FILES

A. Program: NCRTD records custodian
B. Maintenance System: [NCRTD preference]
C. Description: records concerning liens placed against private property for services rendered by the NCRTD. Files may contain claim of lien, assessment table, copy

of notice of public hearing, copy of notice of violation, court order, copy of work order, copy of billing, release of lien, correspondence, memoranda, etc.

D. Retention: six years after close of fiscal year in which lien released

45.) VEHICLE FILES

A. Program: NCRTD records custodian

B. Maintenance System: [NCRTD preference]

C. Description: records concerning the history of NCRTD-owned or leased vehicles. Files may include purchase or lease information, warranty documentation, maintenance documentation, maintenance expenditure information, disposal information, etc.

D. Retention: three years after disposition of vehicle

46.) VEHICLE MAINTENANCE FILES

A. Program: motor pool records

B. Maintenance System: [NCRTD preference]

C. Description: records concerning the maintenance performed on NCRTD-owned vehicles. Files may include work orders, repair orders, work schedules, maintenance orders, maintenance schedules, work reports, etc.

D. Retention: three years after close of fiscal year in which created

47.) BUS ROUTE PLANNING FILE

A. Program: transportation and transit records

B. Maintenance System: [NCRTD preference]

C. Description: records used to establish and modify the NCRTD transit route system. File may include studies, maps, population surveys, schedule plans, route schedules, etc.

D. Retention:

(1) Route schedules and maps: until superseded

(2) All other records: three years after close of calendar year in which created

48.) CHARTER BUS FILES

A. Program: NCRTD records custodian

B. Maintenance System: [NCRTD preference]

C. Description: records concerning charter rentals of transit system buses to private groups. Files may include rental information, fiscal documentation, related correspondence, etc.

D. Retention: three years after close of fiscal year in which created

49.) DAILY BUS PASSENGER REPORT

A. Program: transportation and transit records
B. Maintenance System: [NCRTD preference]
C. Description: records concerning all NCRTD buses, ~~including airport shuttle buses~~ per route in the NCRTD transit system, used to summarize operational statistics for management review purposes. Report may show name of operator, number of regular fares, senior citizen fares, handicapped persons fares, etc.
D. Retention: three years after close of fiscal year in which created

50.) BUS DRIVERS DAILY CHECKLIST

A. Program: NCRTD records custodian
B. Maintenance System: [NCRTD preference]
C. Description: record concerning the condition and appearance of NCRTD buses ~~including airport shuttle buses~~ used to identify maintenance problems on vehicles.
D. Retention: three years after close of fiscal year in which created

51.) TRANSIT OPERATION SUMMARY REPORTS

A. Program: NCRTD records custodian
B. Maintenance System: [NCRTD preference]
C. Description: reports documenting daily fares received. Reports may include monthly reports documenting ridership, revenue, route information, fuel usage, and other operational details.
D. Retention: three years after close of fiscal year in which created

52.) TAX RECORDS

A. Program: NCRTD records custodian
B. Maintenance System: [NCRTD preference]
C. Description: Include but may not be limited to, documents concerning payroll expenses, accounting procedures and regarding the NCRTD's revenues.
D. Retention: six years from the date of filing a return if applicable.

53.) EMPLOYMENT RECORDS/PERSONNEL RECORDS

A. Program: NCRTD records custodian
B. Maintenance System: [NCRTD preference]
C. Description State and federal statutes require the NCRTD to keep certain recruitment, employment and personnel information. The NCRTD should also keep personnel files that reflect performance reviews and any complaints brought

against the NCRTD or individual employees under applicable state and federal statutes. The NCRTD should also keep all final memoranda and correspondence reflecting performance reviews and actions taken by or against personnel in the employee's personnel file.
D. Retention: six years

54.) PRESS RELEASE/PUBLIC FILINGS

A. Program: NCRTD records custodian
B. Maintenance System: [NCRTD preference]
C. Description: Permanent copies of all press releases and publicly filed documents should be retained under the theory that the NCRTD should have its own copy to test the accuracy of any document a member of the public can theoretically produce against the NCRTD.
D. Retention: All in perpetuity

55.) LEGAL FILES

A. Program: NCRTD records custodian
B. Maintenance System: [NCRTD preference]
C. Description: Legal counsel should be consulted to determine the retention period of particular documents.
D. Retention: should generally be maintained for a period of ten years.

56.) MARKETING AND SALES DOCUMENTS

A. Program: NCRTD records custodian
B. Maintenance System: [NCRTD preference]
C. Description: Copies of marketing and sales documents, invoices, contracts, leases, licenses and other legal documents
D. Retention:
(1) Marketing and Sales Documents should be maintained for at least six years
(2) Sales invoices, contracts, leases, licenses and other legal documentation; Three years beyond the life of the agreement.

57.) CONTRACTS

A. Program: NCRTD records custodian
B. Maintenance System: [NCRTD preference]
C. Description: Final, execution copies of all contracts entered into by the NCRTD should be retained.
D. Retention: three years beyond the life of an agreement, and longer in the case of publicly filed contracts.

58.) EMAIL

A. Program: NCRTD records custodian
B. Maintenance System: [NCRTD preference]
C. Description: Email and Email Retention and Disposition is hereby incorporated as Appendix B, Email and Email Retention and Disposition Policy.
D. Retention: printed in hard copy and kept in the appropriate file; or downloaded to a computer file and kept electronically or on disk as a separate file. The retention period depends upon the subject matter of the e-mail, as covered elsewhere in this policy.

Appendix B

North Central Regional Transit District ("NCRTD")
Email and Email Retention and Disposition Policy

Objective

The purpose of this policy is to provide guidance to NCRTD employees in managing information sent or received through email transmissions and to ensure the proper use of the NCRTD email system.

Applicable Staff

All NCRTD employees

Definitions

"Email" means a message transmitted electronically over a communications network. A system that enables users to compose, transmit, receive and manage electronic messages and images across networks and through gateways connecting to other local area networks.

"Electronic record" means a computer-generated item such as an email message, a document file, an image file, etc.

"Non-record" means extra copies of documents kept solely for convenience of reference, stocks of publications, records not usually included within the scope of official records of an agency or government entity, personal correspondences that do not pertain to NCRTD business and library material intended only for reference or exhibition. The following specific types of materials are non-records: materials neither made nor received in pursuance of statutory requirements or in connection with the functional responsibility of the officer or agency; extra copies of correspondence; preliminary drafts; blank forms, transmittal letters or forms that do not add information; sample letters and reading or informational files.

"Public records" means all books, papers, maps, photographs or other documentary materials, regardless of physical form or characteristics, made or received by any agency in pursuance of law or in connection with the transaction of public business.

Policy Statement

It is the policy of the NCRTD to provide employees email resources and services to assist them in the performance of their work. All email resources and services are to be managed in a lawful and effective manner. To assure this, the NCRTD has the right to monitor all aspects of the email system to ensure compliance with this policy and applicable law. Employees should not have the expectation of privacy in anything they create, send or receive on the NCRTD email system. Employees shall conduct themselves in a manner consistent with appropriate behavior standards as established in existing NCRTD policies. All NCRTD policies relating to intellectual property protection, privacy, misuse of NCRTD equipment, sexual harassment, sexually hostile work environment, data security and confidentiality shall apply to the use of email.

Public Records

All email transmissions made or received by the NCRTD in pursuance of law or in connection with the transaction of business are public records. Employees shall determine if email transmissions, both "sent" and "received," are public records; separate "public records" from "non-records"; and store only that information that is a public record. Records shall be stored and retained based on the retention period for the particular records series established in records retention and disposition schedules and agency procedures.

Electronic documents, including email, are subject to the provisions of the Public Records Act and the Inspection of Public Records Act.

Destruction of a public record before its retention period has been met is illegal and is a fourth degree felony pursuant to Section 30-26-1 NMSA 1978, Tampering with Public Records.

Passwords

All passwords upon request must be made known to the Executive Director~~, and Financial Manager.~~ The use of passwords to gain access to the email system or to secure specific files does not provide employees with an expectation of privacy in the respective system or document.

Encryption

Employees may not encrypt any emails without obtaining written permission from their supervisor. If approved, the encryption key(s) must be made known to the agency's Executive Director.

Privacy and Access

Subject to tribal sovereignty rights, email messages sent or received in conjunction with NCRTD business may be releasable to the public under the Inspection of Public Records Act with several exceptions such as medical records, letters of reference, matters of opinion, attorney-client information, trade secrets, tactical response information and law enforcement investigative files. Employees are prohibited from disclosing, copying, distributing or forwarding email messages exempted from public disclosure under state and federal laws.

Personal Use

Personal email shall not impede the conduct of NCRTD business. Employees shall not subscribe to mailing lists or mail services that fall outside of the employees scope of work. Use of social media during working hours for non-work related purposes shall not impede the conduct of NCRTD business.

Questionable Email

The NCRTD will provide employees with periodic Anti-Virus updates for personal computers. It is the employee's responsibility to update his or her assigned computer when notified. Employees shall not willfully and knowingly open email messages that look questionable nor shall they open attachments unless the user is certain that the attachment is from a known sender, is expected and is pertinent to the employee's job. Questionable emails and attachments are to be deleted immediately and then "double deleted" by emptying the Trash bin.

Unacceptable Use of Email

Employees shall not use email resources and services for commercial purposes, including but not limited to, on-line trading and e-bay operations.

Employees shall not send or forward emails containing libelous, defamatory, offensive, racist or obscene remarks. If an employee receives an email of this nature, they must promptly notify their supervisor.

Employees shall not use email to conduct prohibited political activities or business activities related to the holding of public office.

Employees shall not establish user profiles or forward, import or create email accounts other than the profile and account established on their behalf by the NCRTD. Serious disciplinary action up to and including termination of employment may result from evidence of prohibited activity obtained through monitoring or inspection of electronic messages, files, or electronic storage devices. Illegal activity involving NCRTD IT resource usage may be referred to appropriate authorities for prosecution.